

HUDSON, NH BOARD OF SELECTMEN

Minutes of the January 12, 2021 Meeting

1. CALL TO ORDER - by Chairman Morin the meeting of January 12, 2021 at 7:00 p.m. in the Buxton Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE led by Chairman Morin
3. ATTENDANCE

Board of Selectmen: David Morin, Kara Roy, Normand Martin, Roger Coutu, Marilyn McGrath participated remotely from her residence

Staff/Others: Town Administrator Steve Malizia; Bill Avery - Police Chief; Rob Buxton - Fire Chief; Elvis Dhima - Town Engineer; Lisa Nute - IT Director; Jess Forrence - DPW; Lisa Labrie - Finance Director; Jim McIntosh - Dir. of Community Media; Diana Lamothe - School Board Member; Paul Inderbitzen - Town Moderator; Jill Laffin - Executive Assistant

4. PUBLIC INPUT

Chairman Morin asked if there was anyone who would like to speak on anything the Board has control over at this time. A number of residents wished to speak. The Chairman reminded them that there is a five minute time limit for each person and they need to stick to the topics at hand tonight.

Kathleen Leary, 8 Par Lane, was the first to speak. Ms. Leary said, I've lived at 8 Par Lane for 32 years. I just wanted to raise a couple of questions on the application regarding the sewer extension at the current Green Meadow Golf Course. I was reading through the different letters in the packet and they are claiming that the use is essential and they're trying to make the distinction between the fact that a sewer versus septic would be a better way to handle septic waste on the property. The way I read the Town charter section what it is, is you do need to look at the actual use itself. That's the way the word is used in the section but it talks about public use, government use, and also whether for this exception, it has to be determined, this Board needs to determine if the proposed use, i.e.; the Hudson Logistics Center that's proposed, if that is an essential use to quote from the charter, if that's an essential use, essential for the public health, safety and welfare of the Town of Hudson. It's not really a question of whether septic versus sewer is the better way to go for a project of this size. The other thing, it's kind of interesting, in the cover sheet for this, we're talking about this project being commercial use. A lot of these meetings going on throughout the course, since last spring, it's been talked about industrial use, commercial use, so it's kind of interesting that we have a different, we have different characterizations as to what this particular property is. Even though I also looked briefly today at the letter from Jay Leonard regarding potential discussion in the past with the Friel family, be that as it may, the bottom line is when you're looking at your own Town charter the issue for tonight is whether the proposed use i.e. the Logistics Center, is essential for the public health, safety and welfare of the Town. NOT whether septic versus sewer is the better way to go for a project of this size. Thank you.

James Crowley, 4 Fairway Drive came up to speak. Mr. Crowley said, in Attorney Leonard's letter that stated, I and Green Meadow Golf Club fully expect at the time and currently that the remaining land owned by the Friel family would have dedicated access through the existing onsite sewer line extending north of Sagamore Bridge Road, subject to limitations of capacity and reasonable allocation. What I want the Board to consider is possible win-win compromise for all parties for the Board of Selectmen to consider concerning sewer capacity and this project. The Town of Hudson is continuously under pressure to build affordable workforce housing. The primary tenant for this project is Amazon who will pay \$15-\$18 dollars and hour wage and there will be an intense future demand for this type of housing in Hudson. This provides an opportunity for the Board of Selectmen to

encourage the intensity of industrial development, the Town can reasonably absorb, plus plan for the future total Hudson Logistic Center project impact on the Town's limited sewer capacity resource. If the current project design is all there to an onsite septic system located on the 375 acres, you don't find that much in this Town anymore, property, the Board of Selectmen can commit to Friel the requested capacity will be allocated to affordable work housing to honor the previous funding to the sewer collection system for site development capacity. This way an acceptable amount of density of industrial development can be considered for the parcel. It allows and encourages Hillwood and Amazon to develop in Hudson with minimum restrictions on the Town's sewer capacity. The Town can reserve and commit the requested sewer capacity for future housing that will help sustain and support the level of development Friel and Hillwood, can reasonably expect for this density of industrial development on the parcel. The Town gets the development and plans for future with no net loss to current sewer capacity that leverages the total reserve capacity for necessary expected future development. Thank you.

Selectman Coutu was recognized by the Chairman. Selectman Coutu asked Mr. Crowley, I want to make sure I understood what you said because if I heard, if I interpret what you said correctly, it's an interesting idea in the development of the project. Are you suggesting that Hillwood entertain the idea of affordable housing? That would be my first question. Mr. Crowley replied, what I'm saying is if you go on the internet right now you'll see where Amazon comes into a town. The wages they pay, you will not support a citizen trying to buy a house in this town. Therefore there would be a lot of pressure for the Board of Selectmen to accommodate affordable housing in the future. So why not plan for that now. You know that it has to be a dense structures that you put these people in. therefore they would probably require sewer capacity. Here you got 375 acres of land that you could put a septic system on. I've designed septic systems in the past. You don't need one big one. You can break them up into pieces, they know how to do pump stations. It's merely an engineering problem. So therefore why use 30,000 out of a 200,000 reserve capacity now when you know you're going to need it in the future for affordable housing. That's my gist. Selectman Coutu asked, isn't that under the assumption that the HLC project is approved? Mr. Crowley replied, I'd say they'd have to modify their current design, there's no doubt there, but there's only two primary tenants at this project right now. And they're both Amazon. Nobody knows what building C is. Matter of fact, we probably don't even know, other than this 30,000 gallons per day figure, what comprises that end building C. why not go for the known two buildings. There's still a lot of dispute how many employees are in those. But anyway, you allow that to be approved. You put an onsite septic system. You know you're going to need affordable housing in the future for these people to be able to work in Town. Matter of fact if they live here, work here, they pay property taxes, they work with our local businesses. They actually upgrade our economy. If you just hand off this 30,000 gallons per day now, you lose any ability to absorb this work housing in the future. Selectman Coutu then asked Mr. Crowley, so what you're recommending is that Hillwood not be granted the sewer allocation, that they build a septic system of the magnitude that would handle those three buildings. Mr. Crowley replied, well most likely they'll lose one building. I can't sugar coat that. That is a given. Selectman Coutu replied, and consider bringing in sewer capacity at a later date if they go with an affordable housing project. Mr. Crowley replied right. Mr. Crowley replied, right because this project will require affordable housing.

John Debuc, 11 Eagle Drive came forward to speak. Mr. Debuc stated, my family has resided at 11 Eagle Drive coming up on 19 years. I want to speak about the sewer connection. First is the request from Hillwood to connect their project to the Town sewer supply. The second is...sorry, can't talk about that tonight. Mr. Debuc went on to say, I understand there are two requests for sewer exemptions in your packet. The first is the sewer request for 112-114 Greeley Street, Hudson NH and the second is the Green Meadow Golf Club sewer allocation special request. The Greeley Street request is for residential use and I've sent letters to the Board, I'll talk about my statements afterwards. I would fully support the Greeley Street request as it's for residential use in line with any emails I've sent to the Town. I sent you all an email on June 1, 2020. In this email I stated, I visited Town Hall in 2002 and asked when I would ever receive sewer service at my home. I was informed that that would most likely never happen. I mention this again in emails on January 11, 2020, stating I would also add that there are many residents in Town who do not have access to sewer connection and these residents should be connected before any industrial use is ever considered and must be a separate project, not tied to any industrial or commercial use. Adding all of the homes in Town would surely add to our total usage, and adding any additional use now would prevent future expansion to

the residents, as Mr. Crowley had stated. The Green Meadow Golf Club sewer allocation special request is for an industrial warehouse which is also outside the sewer district. Our Town ordinance clearly states that exemptions may be granted; it does not say they must be granted. The exemptions for the following reason, I snipped this from the ordinance...for public facility use such as schools and other governmental uses, this development is not one of those. For community facilities such as hospitals and public utilities, this development is not one of those. For other residential, commercial or industrial use that in the opinion of the Board of Selectmen are essential for the public health, safety and welfare for the Town of Hudson. An Amazon facility is not essential for the public health, safety and welfare of the Town. I also wanted to address the developer's claims in their letter to the Board. They state good engineering practices, that is not a reason for an exemption, not using an onsite disposal system that Mr. Crowley spoke about and in that they mention sensitive wetland resources in the Merrimack River that were in my opinion, minimized as issues at last night's Conservation Committee meeting. So that's not a reason for an exemption either. They'll be using 36,900 gallons per day of our capacity. That's equivalent to the capacity that my neighborhood would use. I'll get to that in a minute. This is proposed to be a bulk-good facility as we were told. How does this, as they say, type of facility play a crucial public health and safety roll in the timely delivery of goods during COVID. We've been told this is not a facility that will be delivering small items to homes. This is not a reason for an exemption. In the tax revenue and jobs, as they stated, is essential to the public welfare of the Town. That is not a reason for an exemption. I spoke to a friend who is a sewer expert, spending over 25 years as a licensed sewer plant operator and I asked him about the average sewer use for homes. He informed me that the average user generates 100 gallons a day, so a home of four would be 400 gallons a day. The neighborhood that I live in, including Chalifoux Road, Muldoon Drive, Birdie Lane, Par Lane, Fairway Drive and Eagle Drive, would utilize about 40,000 a day of Hudson's existing 195,800 gallons leaving only a 155,000 gallons available, which would only allow for 389 additional homes to connect in the future. Between the Winslow Farm neighborhood and the Phil rick neighborhood to Dracut Road, there are close to 350 homes there. These two neighborhoods of tax paying residents would use most of the Hudson New Hampshire allocation if they were allowed to connect, but don't have the ability yet to connect. The additional capacity should be allocated to residents that do not have sewer yet. For the reasons I stated before, this development does not meet the requirements in our ordinance and their request should be denied. Thank you very much for your time.

Seeing no further public input the Chairman move on.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Appointments

Recreation Committee (alternate member position expiring 4/30/2022). Selectman Roy made a motion seconded by Selectman Coutu to appoint Cindy Holton as an alternate member of the Recreation Committee with a term to expire 4/30/22. A roll call vote was taken. Carried 5-0.

Planning Board (alternate member vacancy expiring 12/31/23). Selectman Coutu made a motion seconded by Selectman Roy to appoint Victor Oates as an alternate member of the Planning Board with a term to expire 12/31/23. A roll call vote was taken. Carried 5-0.

Nomination

Leo Fauvel sent in an application to which there was some confusion as to what he was applying for. This application was tabled to the January 26, 2021 meeting so that clarification can be made.

Chairman Morin went on to Consent Items and asked, does any Board member wish to remove any item for separate consideration on consent items? Selectman Coutu asked that consent item 6A-5 & item E be removed for separate consideration.

Selectman Coutu made a motion, seconded by Selectman Martin to approve consent items 6A 1, 2, 3, 4, B, C, D, & F as noted and appropriate. A roll call vote was taken. Carried 5-0.

Selectman Martin made a motion, seconded by Selectman Roy to approve consent items 6A-5 and item E as noted an appropriate. A roll call vote was taken. Carried 4-0 with Selectman Coutu abstaining.

6. CONSENT ITEMS

Assessing Items

- A. 1) Veterans Tax Credit: Map 184, Lot 27, Sub 15 - 39 Cobblestone Drive, Map 116, Lot 64- 54 Heritage Circle, Map 247, Lot 98 -3 Ireland St., Map 177, Lot 005, Sub 327-19A Clearview Circle, Map 138, Lot 44- 28 Sunland Drive, Map 178, Lot 018 - 89 Speare Road, Map 184, Lot 27, Sub 16 -41 Cobblestone Drive, Map 174, Lot 31, Sub 002 -47A Derry St, Map 199, Lot 187, Sub 20- 50 Overlook Circle
- 2) All Veterans Tax Credit: Map 142, Lot 30 -4 Redwood Drive, Map 150, Lot 015- 28 Barretts Hill Road
- 3) Disabled Veteran Tax Credit: Map 138, Lot 44- 28 Sunland Drive
- 4) Blind Exemption: Map 148, Lot 04, Sub 26- 9 Waubeeka Spring s Road
- 5) 2020 Abatement Applications: Map 174, Lot 18- 17 Tolles St., Map 198, Lot 130-2 -13B A St., Map 198, Lot 132-2- 3 ½ Belknap Terrace, Map 203, Lot 77- 16 Sycamore St., Map 182, Lot 35- 3 Fulton St., Map 234, Lot 43- 4 Davenport Rd., Map 175, Lot 34-3- 8 Village Lane
- B. Water/Sewer Items - none
- C. License, Permits, Policies
- 1) Hawker/Peddler/Itinerant Vendor's License - Spring Hill Catering
- 2) Raffle Permit - Hudson Fish & Game
- 3) Raffle Permit - The Bar
- 4) Dance Hall/Place of Assembly Permit - Lynn's 102 Tavern
- D. Donations
- 1) \$120 to Recreation Department in Memory of Jay Mousseau
- E. Acceptance of Minutes
- 1) Minutes of October 27, 2020
- 2) Minutes of November 5, 2020
- E. Calendar
- | | | |
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| 1/13 | 7:00 | Planning Board - Hudson Community Center |
| 1/19 | 7:00 | Budget Committee - Hudson Community Center |

1/21	3:00	Trustees of the Trust Funds - Hudson Community Center
1/26	7:00	Board of Selectmen - Hudson Community Center
1/27	7:00	Planning Board - Hudson Community Center
1/30	9:00	Town Deliberative Session - Hudson Community Center

7. OLD BUSINESS

A. Votes taken after nonpublic session December 29, 2020 meeting

Selectman Coutu made a motion, seconded by Selectman McGrath to hire Matthew Drolet as a full time technician at the Hudson Police Department with a starting salary of \$20.52(step one), per hours, in accordance with the Hudson Police Employee Association contract. Carried 5-0.

Votes taken after nonpublic session January 4, 2021 meeting

Selectman Coutu made a motion, seconded by Selectman Martin to appoint Roger Ordway as the interim Town Clerk/Tax Collector effective January 18, 2021 at Step One of the Town Clerk/Tax Collector salary scale. A roll call vote was taken. Carried 4-1 with Selectman Roy in opposition.

B. Hudson Speedway Operating License

Chairman Morin recognized the Town Administrator who said, I believe Ben Bosowski, owner/operator of the speedway came before this Board back in December. The Board directed that he come back with a modified schedule. Mr. Bosowski is looking for additional race dates, primarily Saturdays during the racing season. He also had some ideas about doing a driving for school for youth on Thursday. So Mr. Bosowski has given the Board an updated or amended schedule for the Board's consideration. I believe Mr. Bosowski is in the audience. He can certainly speak to what he's looking for. I would tell you that if the Board is inclined to grant Mr. Bosowski additional dates you need to change the Town Code because Town Code dictates that races are only Sunday and holidays. To change Town Code you need to have two public hearings. So just laying that out there for you. You can listen to Mr. Bosowski and decide if you think it's something you want to move forward or not.

Ben Bosowski, owner/operator of Hudson Speedway came forward. With Mr. Bosowski were two employees of Hudson Speedway, Mike Marshall and Dennis O'Neil. Mr. Bosowski started off by saying these are the two instructors that would be running the Hudson Heroes Driving School program. I brought them for more detail on the school. So I am here to see if I could possibly get a few Saturday races for the reason of a lot of the bigger touring division that are now seeing that Hudson Speedway is still alive and doing better than ever, they want to come and race. The only problem is Sunday's is too hard for them because they're traveling from all over the country to come race. Saturday event would be a better option for them and is more feasible for them to show up just cuz they have to travel back home on Sundays. Chairman Morin asked if there were any questions. Selectman Coutu was recognized and said, Mike thanks for coming. Ben, thank you. What I'd like to have from you is a brief overview of what takes place in the school. Mr. Marshall explained that the school would be held on Thursday afternoons. There would be classroom time, a snack/break time and then some track time, once the students get to that level. The goal is to get youth into racing. The biggest problem we're finding is that a lot of kids are wrapped up in video games. We're trying to get the kids to have an interest in cars and mechanical things tinkering and driving. We'd like to remove the competitiveness and focus on driving. Mr. Marchand and Mr. Bosowski outlined the driving school and how they'd run it. A lot of emphasis on safety. All the cars will have a full roll cage and racing seat with head and neck restraints and we'll teach them how to handle different situations on the track. Selectman Martin made a motion, seconded by Selectman Coutu to schedule two public hearings to discuss amending Town Code Chapter 264 to allow for racing on days other than Sundays and holidays. A roll call vote was taken. Carried 5-0.

C. Additional Polling Place

Chairman Morin recognized Town Administrator, Steve Malizia. Mr. Malizia said, I believe there was a discussion at your meeting in December regarding an additional polling place. It was requested that a warrant article be prepared for your consideration to add a warrant article for additional polling places to the warrant. As you can see on the second page there is the proposed language. Attorney Lefevere provided this language to us. If you so choose this would go on the warrant. One consequence of this is you would be required to have two polling places for every subsequent election be it Town Meeting, Primaries, Presidential elections. This is a consideration. Selectman Coutu asked, initially when we discussed having a secondary polling place it was my understanding that once we establish two polling places all elections must be conducted in the same manner. Mr. Malizia said that's correct. Selectman Coutu went on to say, this language says "continue to be such for successive State elections. The Town Administrator replied, when you read the State law State also applies to municipal. So they don't differentiate but it applies to State and Municipal elections. Selectman Coutu then said, so in this case the State Elections is a generic term? It means all elections? Mr. Malizia replied, yes sir. Selectman Coutu made a motion, seconded by Selectman McGrath to forward Warrant Article 18, for the Additional Polling Place, to the Warrant. A roll call vote was taken. Carried 5-0.

8. NEW BUSINESS

A. Public Hearing - Warrant Article I - Bond the Police Facility Expansion

Chairman Morin recognized Town Administrator, Steve Malizia. Mr. Malizia explained, as you're proposing to bond the renovations and expansion of the Hudson Police Station it's going to require a bond and State statute requires a bond hearing. Specifically on the bond, not on the project itself. It's actually on the bond for this project. We're required to have a public hearing. This hearing was noticed in the Telegraph, and media. In essence what you're looking at is a schedule for repayment of the bond. I believe it's a 20 year repayment. The first year is an interest only payment and subsequently after that there are principal payments which would at the height add .12 cents per thousand to the tax rate. Further down you'll look at the Town's equalized valuation of \$3.6 billion and our \$108 million dollar debt limit and we have outstanding debt of \$9.3 million so we're at .26% of the valuation. As far as debt goes we are well, well, well, under the capacity for the Town to borrow debt. We have \$98 million dollars of available debt limit per the State statute. I just wanted to point that out. In a nutshell you certainly have the capacity to pay for this bond.

Chairman Morin opened the public hearing at 7:44pm. Seeing no one in the audience to speak on this. The public hearing was closed at 7:44pm.

B. Public Hearing - Greeley Street Donation Acceptance

Chairman Morin recognized Town Administrator Steve Malizia. Mr. Malizia explained, at the last Board meeting, I believe the Board directed that this come forward. This is a \$30,000 donation.

Chairman Morin opened the public hearing at 7:45pm. Seeing no one in the audience to speak on this matter, the public hearing was closed at 7:45pm.

C. Request to Advertise Town Accountant Position

Chairman Morin recognized Finance Director, Lisa Labrie. Ms. Labrie explained I'm before you this evening to request to advertise the position of Town Accountant. She went on to explain that she and the Town Administrator went through and updated the job description. Selectman Coutu made a motion, seconded by Selectman Martin to post and advertise for the position of Town Accountant. A roll call vote was taken. Carried 5-0.

D. HCTV - Replacement Broadcast Vehicle

Chairman Morin recognized Jim McIntosh, Director of Community Media. Mr. McIntosh explained, I come before you asking to see if we can award the bid for a purchase of a replacement vehicle for Hudson Community Television broadcast vehicle we currently use. I think I've talked about it before. I came up to get permission to seek bids. We've narrowed it down to three companies which I think you all have the paperwork for the bids and stuff. My request was to be allowed to the one that's actually the lowest bidder only because of the fact that it's not just the lowest bidder but they're easier to work with. I've worked with them before. They produce massive amounts of broadcast vehicles. That's their full business. We do need a replacement vehicle. Currently we drive our own vehicles to different venues. This is an exception. Everything is all set up. Selectman Martin made a motion, seconded by Selectman Coutu to award the bid for a replacement Hudson Community Television Broadcast Vehicle to the low bidder, Gerling and Associates in the amount of \$157,100 with the funds to come from the Cable Utility Revolving Fund. A roll call vote was taken. Carried 5-0.

E. Town Deliberative Session

Chairman Morin recognized Town Moderator, Paul Inderbitzen and Fire Chief Rob Buxton. The Moderator started by saying, good evening. As you're aware this will be a little different from our usual deliberative session. Right now the plan is to use this building and as many seats as we can get in here. The Board will be up front with the Budget Committee. We'll fill in some more seats. The problem we'll face is if we get more than the maximum numbers of registered voters who want to participate. We have to have a backup. I met with the Chief and Mr. Malizia this morning and we discussed the options of having an overflow place. We're going to look into the options of having a heated tent. We just talked about it this morning so we have some work to do on that. The problem is if more registered voters want to attend than we can fit in the building with the distancing then we have to allow them that. One way we're going to do that is to also have remote access. Thursday we're going to test out the Go To Meeting where people can register if they wish to speak or make comments. They can register and log in like a zoom call. They can register and raise their hand. I'll have someone monitoring that. A lot of people watch the deliberative sessions and don't necessarily want to take part. The one hang-up but if they have a concern of COVID and do not want to be in a room with other people or they've tested positive or are waiting for a test, they can participate remotely. The only thing they won't be able to do if there are any motions to amend, which is the only voting we do at deliberative session, is to amend, they would not be able to vote remotely. That's not permitted by law. They must be present. If we have an overflow area they'd have to set that up with a camera and video so we could have those people participate. It's an open public meeting, anyone can attend but we would limit this room for registered voters. Selectman Martin was recognized and asked, where would the overflow area be? Mr. Inderbitzen said, we talked today. We typically don't get that many at a deliberative. The biggest ever, was a school meeting, and it was 85. I usually count between 60-70 and we can handle that in this room without too much trouble. There will be no food, no milling around everybody is going to be in their seats. That's mandatory. It was brought up today that what if we had a heated tent out here. Selectman Martin was recognized and asked, have we talked with the School to see if we can utilize Alvrine High School gym? The reason why I say that is they have a drop at Alvrine High School, if I'm correct, for HCTV to allow a camera. I'm not 100% sure but I'm sure I'll get confirmation after that. There was more discussion of how and where a tent could be set up at the Community Center. Mr. Inderbitzen, Chief Buxton and the Town Administrator

will work out a plan to get people checked into the Community Center and have the tent for overflow with remote access. The Moderator also explained that we would test out the Go To Webinar and advertise how people can access the remote join feature. Chief Buxton added, we obviously have some planning to continue to work on. Today was the first meeting to kick this off. We'll get the answers to that. The Chairman said, I have one question for you, there's some confusion on the State regulations whether we need a no mask room or not. Can you answer that? The Moderator said there's a state-wide mandate for masks in public buildings and the Selectmen have also mandated masks in Town buildings, isn't that correct? That's going to apply. That's going to be in my rule. You come in the building, if you don't want to wear a mask then you stay home and register to participate from home. I don't see it as a big problem. Chairman Morin said, that's no different than what we did during voting. That was the requirement during voting. Mr. Inderbitzen replied that's correct, the only thing with voting is the state law requires that we have an alternative for those who do not want to wear a mask and we do that out in the parking lot with an absentee. I am going to encourage people to vote absentee. It's not going to be the 5200 we had for the November election. But even if we did get 35% it's a good number, not undoable. The state has a proposed bill that has passed the senate but not passed the house yet to allow us to do preprocessing of absentee ballots. Which was a big help for the November election. Also to postpone our meeting if we needed to April, May, June or July. That's in that bill. That did pass unanimously the senate, but the house did not take it up because there were some questions. We're hoping they're going to deal with that real soon. The Moderator asked, what is the date that you must post the warrant? The Town Administrator replied, it's required to be posted on or before the 25th of January. The Moderator replied, okay so we have to have a decision, if we're gonna move it, someplace else because you set that in the warrant, the location. The Town Administrator said, so presumably you're going to fix the election here? Is that the consensus of the Board? The Board members replied yes. The Moderator said, right, it's up to the Board to set the location. So if we're going to make any changes I am meeting with the Superintendent and the IT staff on a zoom meeting tomorrow then we're going to test the remote thing on Thursday. So we'll have a little more information by the end of the week.

F. DPW - Outside Hire Snow Plowing Contract

Chairman Morin recognized DPW Director, Jess Forrence. Mr. Forrence said, a couple weeks ago the Board requested that Public Works go out and try securing some outside hire for the winter months in case COVID or something took over the Department. We spent the last three weeks going through other communities contracts, talking to them on the luck they've had securing anybody. Some people are pretty well off. Other people are still looking so we went through, designed something that I think would work for Hudson. We got some good questions from people we talked to, contractors in Town, landscape companies that Jay and Jim did a good job searching stuff out. But a lot of them said probably not this year. They're already tied up. But we do have some other possibilities that could make our lives a lot easier. The contract before you is quite extensive, it covers a lot but I feel that's what we need to not only keep the Town safe but keep DPW where it needs to be also. Selectman Coutu was recognized and he said, Mr. Forrence, we've had two or three people who had left the Hudson DPW to take jobs elsewhere that have stated upon their departure that if there was a need for you to call them. Would they be called first before you would call in an independent contractor? Mr. Forrence replied, dealing with the contractors, if they say yes to the Town, when Public Works drops iron, they want to drop iron. They don't want to be sitting at home or in a parking lot someplace as its snowing and we're not using them, they'd rather go someplace else. The three guys that we have secured in the other meeting, they would come in and drive our trucks but they will do that. Selectman Coutu thanked Mr. Forrence for his reply. Selectman Martin was recognized and asked, has this been vetted by the Town Attorney? Mr. Forrence replied yes it was. The Town Administrator added, I sent it on to Atty. Lefevre because I figured it would be important enough that he vetted it. He's given it his stamp of approval.

G. Kimball Hill & Route 111 Agreement with NHDOT

The Chairman recognized Mr. Forrence and also Elvis Dhima, Town Engineer. Mr. Dhima started saying, thank you Mr. Chairman. Good evening everyone. Happy New Year. Our first item for you tonight is Kimball Hill and 111 agreement with NHDOT. As you know in 2017 the Town invested over a quarter million dollars at that intersection updating safe left lane from Kimball Hill to 111 in addition to that we updated the equipment related to detection. We went from loops to a traffic camera. We've been involved with that intersection ever since. Keeping an eye on that intersection, taking traffic data, making the necessary modifications to do that. We have done that without an agreement with NHDOT simply because we haven't had a change to agree on the language that's being presented to you tonight. The contract in front of you tonight is exactly what the Town wanted. It's been reviewed by Town counsel as well, and allows us the ability to legally get in there and make the necessary adjustments that we need to. In addition to that it will allow us to have a say on the timing as well. Right now we just have eyes on detection and the visual but not on the timing of it. As we have said in the past we might not be able to prevent people from cutting through Hudson but we'd definitely have control of the flow, the rate they're coming in and leaving. With that said you have in front of you two motions. The first one is to approve the maintenance agreement as recommended by myself and the DPW Director. The second one was corridor expenditure related to updating or replacing the traffic controller with the one that meets our specs so we can have access to it from our main hub at the Town Hall or remote access. That item was in front of the Planning Board the other night. Unfortunately that did not go through. So I will have to go back to the Planning Board. So if the Board tonight decides to move forward with the expenditure, it will be pending Planning Board approval as well. With that said, I'll open up for any questions you might have.

Selectman Coutu was recognized and said, it did come before the Planning Board. I was one of the people who did not agree that this was necessary and there was a consensus. The consensus was a lot of us drive through that intersection and there's absolutely no problem. Its working well the traffic flow is better than it's ever been. I go to HCTV, I have to go through the intersection, I go up to the Police Department, I go to my son's house in Pelham, I go through the intersection. I seldom, I've never seen a problem since they made all the modifications and they redid that whole intersection. I think it's the best it ever worked. Spending \$12,000 to put a camera up there or whatever else they want to do is unnecessary from my perspective and that was the consensus of the Planning Board. So I'm not going to support it. Either the maintenance agreement nor spend \$12,000 to buy another camera that we really don't need at that intersection. Mr. Dhima responded saying, just a few clarifications; we're not buying another camera. We're replacing the controller that they have with controls that would meet our specs. One of the reasons the intersection is running very well is because we've been involved the whole time. Just because you don't see us out there does not mean it's not being taken care of. There was a lot of issues after the updates because DOT was not responding to that intersection. They just simply didn't have the staff. So our staff was going in, we were getting involved. So that is not the case. It's one of the reasons it does run well is because we are involved with it.

Selectman Martin was recognized and asked, are you purchasing a camera? No or yes? Mr. Dhima replied, no. the camera is already there. We have access to the camera through our fiber already. What we're trying to do is, if this goes through tonight. We're replacing the brain of that cabinet which is basically tweaking the timing for every single direction that it comes in. so that it allows us to make modifications to the timing if necessary just like we've done throughout the Town. It is a main intersection in Town. It would be wise, I guess, to make sure we have access to that if we need to because that controls a lot of flow coming in and out of Town during regular time and peak time as well. Selectman Martin then asked, so this whole time the Town has had a camera there, which you're controlling, and this is just like guts. Don't have to go into detail. Just yes or no. This is just guts to update everything to 2021. Mr. Dhima replied, yes. We have the camera, we have the fiber and we're replacing the timer portion of it. So everything that's already there is staying. That doesn't need replacement. We're just bringing another piece that matches our spec. then we'll be owning that. That's all. So we can incorporate it with our main hub. We have 14 intersections right now that we control through the same software and hardware so this would be 15th one matching everything else. The intent is to keep everything the same so it's easy for our staff and for us to make sure we can diagnose it, repair it and make the necessary adjustments that we need to. Selectman Martin

then asked, if this Board says yes and we have a consensus from our Planning Board that says no, what is our vote in the affirmative do? Force their hand? Mr. Malizia replied, I'd have to have the attorney answer that. Mr. Dhima said, you don't have to take action on the second item tonight if you don't feel comfortable. What I'll do is I'll go back to the Planning Board, see what they want to do and come back to the Board of Selectmen again for that piece. I was trying to save a trip but that's okay. Selectman Roy was recognized and asked, what is the effect of not entering into this agreement? If we just let the state handle it. Mr. Dhima replied, if we don't agree tonight to do this that is okay. But we'll have to not get involved anymore if there's an issue over there. So what happens is almost 99% of the time Mr. Forrence or myself or DPW or the Police Department will get a call that something is off and we make the necessary changes to make sure that that works. We might not be able to do that anymore if the Board's consensus tonight is saying not to move forward with at. We can't keep doing what we're doing without an agreement in place. Legally it's theirs. This is allowing us to get into it. Legally we need the means to go in and do exactly what we've been doing this whole time. It's been working okay but at some point they're responsible for it and we want to make sure we have an agreement in place to do what we've been doing and if not we just won't get involved anymore and we'll tell people in Town when they get stuck call DOT and when they get to it they get to it. Selectman Roy then said, my follow on question is we would be at the whim of the state for them to come fix any issues at that intersection? Okay.

Selectman McGrath was recognized and asked, what transpired before you were able to get into the mechanics of the lighting system? What type of problems was the Town facing? How did the state respond to it and if we don't do these upgrades are we going to go back to that same problem that we had prior to? Mr. Dhima replied, one of the issues at the beginning was, the camera itself, the original had an issues and was replaced within warranty. There were issues with the angle the sun came in with a glares so we were able to go in and make the necessary adjustments. The main person that used to contact me was actually the owner of Kimball Hill subs. But we also updated all our infrastructure for the traffic as well. So that's been part of one of those intersections that we shouldn't have to update but we've been updating it anyway. That's kind of what started it. It started with 2017 the main update of the intersection. Putting in the proper equipment and keeping an eye on what the traffic is out there every day. This will kind of close the loop. Give us access to the timer and the detection. Selectman McGrath just asked, what kind of complaints did you received prior to being able to get into the system. Mr. Dhima replied, massive backups. Chief Avery can probably speak to that as well. Massive backup and traffic wasn't moving because the detection wasn't working properly. You're talking about 20,000-25,000 vehicles a day. You need to get in very quick you can't sit an hour, two or three hours or you'd need PD there the whole time. Selectman McGrath then asked, did the Board of Selectmen receive a number of complaints about that intersection prior to you being able to go in and make modifications? Mr. Dhima replied, we did, and staff did. And we took the action to make sure everything was smooth. That's what we do. We take care of business when we get a complaint or issue.

Selectman Coutu was recognized and said, since the modifications have been made to that intersection, have you seen a myriad of backups at that intersection? Mr. Dhima replied, no things have been good. We do monitor them daily, weekly. We make the necessary update needed every time that we do ours. It is part of our system now. It doesn't need a lot of attention, to your point, right now, but we do keep an eye on it. Selectman Coutu then said but it doesn't need attention right now. Since the modifications were made to that intersection they problems that we were having were prior to that, correct? Mr. Dhima replied, most of them yes. Selectman Coutu went on to say, I can remember sitting there and waiting for that light considerable before the modifications were made to the intersection. Mr. Dhima agreed. Selectman Coutu went on to say the Planning Boards position was it works. The modifications is what made the difference. Adding the left lane to be able to get out and get on to 111 solved a lot of problem rather than having just one lane trying to do three things, right turn, straight turn, left turn. You recommended the left lane. It was gonna solve the problem it's working. And we're not having any problems. We have problems you know yourself that on any given day at any given time, like a week ago, it took me three changes of lights to get through Ferry and Library Street. Three changes! Because it was backed up with traffic. It was just one of those time periods where it all backed up I don't you to expect you to run out with a key in you hand to open up the box and change it for something that's gonna correct itself within a half an hour. Things happen you know yourself if a trains going across in Nashua it's gonna back everything up over the bridge.

It's happened before. It's less of a coincidence now but it does happen. That intersection is working properly and I don't see the need for us to get into a contract with the state and have them modify it because since that modification was made it works. I hate repeating myself but that's the case. Mr. Dhima replied, I will say that the reason that that intersection works and all the other intersections in Town work differently than most of the lights out there with the technology in different municipalities is it has constant care. It has constant access....Selectman Coutu interrupted saying apparently Mr. Dhima with all due respect, apparently all intersections are not working. Just this week alone I've received emails about Lowell Road down at.....Mr. Dhima said Birch and Lowell? Selectman Coutu answered, no not Birch ummm....down by Fox Hollow, the light there and the next one up which is the Pelham Road. People are complaining about those lights not being in sync and its' backing up traffic. I personally have not experienced that I still go up and down Lowell Road, I don't know what people are complaining about but I'm getting emails and people have made suggestions that we need to remove those lights because they're a mess. They're backing u the traffic on Lowell Road. That's not what backs up the traffic on Lowell Road. We're gonna have backup at peak times at all intersections. Mr. Dhima responded, I don't want to turn the discussion to something else but the bottom line is that the new technology allows us to get access directly to those without driving over then. It is desirable. We ae kind of doing half of it already. We are familiar with the technology. We kind of started this four years ago. If it doesn't happen it is okay either way. It's just recommended because we're kind of already doing it and again, I believe, we believe that we better serve the Town and the people in Town by having access to it because we take care of it better than they do. Or faster. That's all. Chairman Morin then spoke saying, first of all the lights do work because I live on one of the busiest streets in Town and I've seen a huge improvement. Huge. Used to be backed all the way to Central Street, now it gets to the Library Street School. So the lights are working. Olay. Chairman Morin then asked, what is the light span of this system? Mr. Dhima answered, they're typically good for ten years. As long as you update them, they don't get hit by lightning. Again, this contract also allows us to recoup some of the cost if there's anything significant because the state would be paying for anything over \$3,000 as long as we get the approval prior to that. The only reason that expenditure is there tonight is because we want to put our own equipment in there. There's nothing wrong with their equipment right now. But if our equipment gets damaged in the future they would basically replace it at their cost not ours. Chairman Morin said so basically when we started this program, fixing the lights on Lowell Road and the Bermuda Triangle as we call it, that was a direction the Town was going to start controlling every intersection in this Town with this type of system to make sure we could get a better flow of traffic because traffics not gonna get less it's gonna get more. And this was our way to improve that as best as we could at this point. Mr. Dhima agreed saying, correct. Chairman Morin went on to say and we are going to have control, this will be under our control. Mr. Dhima said correct. It would be us. There's language there that says as long as we both agree to make necessary changes to the timing as well, that would be the case as well. Chairman Morin then said okay I agree and disagree with Selectman Coutu in reference to the intersection of Kimball Hill and Central Street. Yes there is improvement but in the morning you still have the backup heading towards Windham and in the evening you have the backup coming down Kimball Hill Road up toward Benson Park and you have the backup sometimes back to Burnham Road. So the way these other lights have worked specifically on Library Street where the backups were wat we're talking about out there and the improvement, I'm all in favor of it. Mr. Dhima responded, to your point and to Selectman Coutu's point, being able to get access to the timing would allow us to see there is room for improvement there. There is a significant backup in the morning trying to come into Town and a significant backup in the afternoon trying to get out of Town. We can adjust that. I'm not very psyched about letting more traffic in the morning as I'd rather have them sit on 111 as they trickle through but in the PM maybe we can do something to try to get that traffic off Lowell Road, sorry, 111.

Selectman Roy then was recognized and said, I just want to sort of clarify the timeline. So did you take control of that intersection at the same time the modifications were made in that same time period? Mr. Dhima replied, we do not have control of that intersection right now. Selectman Roy said, whatever you do with it to make it work. You have some input into it. Mr. Dhima said if we get access and put in the cabinet for that we'll be able to see the timing that the state has and what they've been incorporating. The way it works with ours is when we make the switch from the old equipment to the new one, we'll be able to make adjustments to the timing to make sure that things flow right.

Selectman Roy then asked, so what do you do at that intersection now? I thought you said you had some....Mr. Dhima interjected saying nothing. We only have visual right now to what's happening to the intersection and we basically control the detection to make sure that when someone pulls over that's working. So someone is not sitting there indefinitely to wait for a green light. Selectman Roy said okay.

Selectman Coutu was recognized again and said, Selectman Roy, I heard what you heard. Since he's taken over controls down there it's been working well. Now he's saying he had no control. So I don't know what it is. I'm voting no. We're not even getting a straight story. Mr. Dhima then spoke up saying that is not what I said. We had control of the detection. Not the timing. Story's still the same. Selectman Martin was recognized and made a motion to approve the operation agreement with NHDOT for five years as recommended by the Town Engineer and the Public Works Director, and to authorize the Chairman to sign the agreement. Selectman McGrath seconded the motion. A roll call vote was taken. Carried 4-1 with Selectman Coutu in opposition.

Selectman Martin was recognized and said there's a second motion on this page. I would prefer to find out if the Planning Board is not willing to take a vote or they take a vote and say no we're not going to release the funds what is our vote going to do? I don't want to take this up at this point because we don't want to be push comes to shove and have to take it from somewhere else. The Chairman said do you want to do the motion and have it if they don't or you want to just table it for now? Selectman Martin said I would table it for now. Selectman Coutu was recognized and said Mr. Chairman, excuse me, I'm using these new headphones and I have to get them off when I'm speaking. Selectman Coutu went on to say, the Board of Selectmen is the agent authorized to expend funds. The Planning Board has no authority to expend funds and I think that was a legitimate question that was posed by the Planning Board to see where we were going to go with it and I think that we're not going to have a conflict. I think that if it's approved by the Board this evening I think that the Planning Board will respect the wishes of the Board of Selectmen. That's my opinion. Selectman Roy was recognized and said, Mr. Malizia could you just? Mr. Malizia replied, I was under the understanding that the Planning Board collects the funds and they would at least have to vote to release them. But if you're saying they'd (inaudible) to the Board then it's six of one half a dozen of the other. Selectman Coutu replied the statement that was made was let's see where the Board of Selectmen goes with it.

Selectman Martin was recognized and started to make a motion. Chairman Morin asked him to hold on one second. The Chairman then said, where this is debatable, Selectman McGrath, do you have any questions or comments. She did not. Selectman Martin made a motion, seconded by Selectman McGrath to waive the bid process and sole source this work to Electric Light, Inc. for the following reasons: 1) they have been and currently are our traffic light consultant and contractor. 2) They are currently the only company that provides expertise and equipment in such system platforms. 3) They currently provide support for such systems. A roll call vote was taken. Carried 4-1 with Selectman Coutu in opposition.

Selectman Martin made a motion, seconded by Selectman Roy to approve and proceed with Kimball Hill & Rt 111 intersection upgrade project using Corridor Account #2070-000-086, not to exceed \$12,322. A roll call vote was taken. Carried 4-1 with Selectman Coutu in opposition.

H. Taylor Falls and Veteran's Memorial Bridge Engineering Services & Municipality Agreement

Mr. Dhima was again recognized and he explained the next item in front of you tonight is something we've been talking about the past year. We went out to bid after teaming up with the City of Nashua. We got five bids. They varied from \$39,000 to \$140,000. City of Nashua and Town of Hudson budgeted \$200,000 for this project and we got way under that. This was a mixed bag as you can see. So City of Nashua individually did the rating based on the four line criteria. Cost of the proposal was

50% of that. Plans/Construction was 10%. Traffic plans related to the project was 10%. Guardrails, street lights and rehab of those are 10% and environmental permitting was 10%. Based on that rating Dubois and King scored the highest. Their bid was \$80,291. With that said the City of Nashua and Town of Hudson agreed to do a municipality agreement which you have in front of you tonight as well. I'm here to ask you to approve the contract for design services for Dubois and King which are below our budget and also approve the municipality agreement with the City of Nashua as well. I'll take any questions you might have. Selectman Coutu was recognized and said, Mr. Dhima, I don't understand how somebody can come in with a bid of \$39,500 and another at \$48,049 and we're going to award a bid for \$80,291 to the third, there are five bidders, they're the one in the middle. Now I know that this was rated. You just qualified the ratings, you said that the City of Nashua did the ratings. Mr. Dhima said, the City of Nashua and Town of Hudson. We did them individually, separately and we came up with the same thing basically. Selectman Coutu then asked okay so can you tell me what is it about Tek Engineering at \$39,000 and Dubois & King at \$80,000 what is the disparity that created Tek to be rated lower than, they come in out of the ratings fourth of five. Can you tell me what is the disparity there? Mr. Dhima replied absolutely. We have had the discussion in the past as well. When you buy goods its much different if you're buying a vehicle with certain specs. When you buy services, engineering services, it's a little different. When we put the bid out we had a mandatory pre-bid meeting where we went over things that we needed to get done. Part of that was plans related to the specs, things that they needed to do at a certain level for us. Everyone put a proposal together, Selectman Coutu, and what we got out of it was certain firms would not provide the level of service that we needed for the design, bridge and rehab. Some of them even didn't do any of those for example they did not touch on the lights that need work. The street lights, not the traffic lights. The guardrails associated with the sidewalk. Things of that sort. So what we did is we tried to look at what was the engineering company that was providing all of the services we're requiring for the best price and that is Dubois & King. So we're looking for services. We're not looking for goods. We're not buying goods we're buying services. So every proposal was a little different. What we got out of it was that people thought that they need to provide the level of service a little different than what was expected. What that means is that their design might not have been as much in-depth as we wanted it to. So someone could have done the design, redo the pavement, redo the deck, someone else did all those plus they were going to look at the lights and design the light foundations for us. Someone else said I'm going to look at the guardrail for you as well while I'm at it. Someone else said, not only am I gonna do the guardrail like that last person, I'm also going to look to see if we can fix the sidewalk that's currently right now missing some pieces. So when you add those up you're seeing someone for \$39,000 might be getting you a little bit of everything or just one good piece versus someone else that might be asking you for more money. It's covering everything including the environmental permitting that we don't have to deal with because this is over a river. That's what it accumulates to. You're requiring services. Selectman Coutu then said as you know I support whatever we can do to get these bridges fixed and we're in a cooperative agreement with the City of Nashua to accomplish that. So far, so good. I applaud you with getting them to at least enter into contract for this. If we can get this done hopefully we can do the construction together at the end. Now I understand, I want to make sure that there's clarity that the lower bidders did not meet specifications. They were going to be coming in for adjustments or looking for more money for this, more money for that. So I understand that. I just want to qualify why I would support someone who outbid somebody by twice the amount, more than twice the amount but if they didn't meet specifications they were going to have added costs later. Sometimes it gets more expensive. I understand that process.

Selectman Coutu went on to say, did we allocate or vote for the voters approved \$200,000 for this particular engineering study? Mr. Dhima replied we budgeted \$100,000 per municipality. That number came from our engineering firm that did the bridge evaluation in 2018. So here we are three years later, we carried a little extra of course and we were surprised as well. It is difficult for us engineers to look at mixed bags like this. I totally agree and I understand what you're saying. But we budgeted close to \$200,000 and we're way under. Selectman Coutu said, I know that the City of Nashua is going to reimburse us of \$40,000 I read that in a contract. So is this iron clad? \$82,091? Are they gonna be coming in saying oh we forgot this? They know what they're supposed to do. Now you talk about the sidewalk. The sidewalk is in ill-repair one side more than the other. Now you said something about maybe we're gonna try to get the sidewalks done? I mean we're gonna have been

Nashua and us an additional \$40,000. Mr. Dhima replied, we're going to look at a design to design the entire thing and cover everything that could be done about the bridge. The construction itself is the next phase because of the budgeting. Their budgeting cycle is different than ours. So we're doing the design. The intent here between the City of Nashua and Town of Hudson is to have a design ready so there is money coming from Washington for infrastructure, this is shovel ready. Selectman Coutu said the sidewalk will be included in that. Mr. Dhima said, absolutely, everything we wanted to make sure that if this was in the works that we can cover everything. Our main scope right now was take care of the deck. That's the main component of the bridge. The asphalt and the deck. But if we can take care of the lights, they're struggling. Everything's showing fatigue on both sides and the sidewalks and guard rails that have been damaged for years. Why not do it all at once? But the construction portion we're going to look into this coming year once we have the design. The intent is, in a perfect world, that we will have this on the shelf and money will be coming in from Washington and this will be a shovel ready project. Selectman Coutu asked, and this will be a two-phased project? The engineering design and after that its construction and we'll look to see if there's federal grants available and if president-elect Biden holds true to his word there should be a lot of money for infrastructure projects.

Selectman Roy made a motion, seconded by Selectman Martin to award the contract for the Town Bridge Street engineering services to DuBois & King Inc, in the amount of, not to exceed, \$80,291.00 from the 5585-225 (Engineering Services) account, as recommended by the Town Engineer. A roll call vote was taken. Carried 5-0.

Selectman Martin made a motion, seconded by Selectman Roy approve the municipality agreement between the City of Nashua and Town of Hudson, as recommended by the Town Engineer. A roll call vote was taken. Carried 5-0.

I. Water Main Extension Request - Friars Drive

Mr. Dhima, Town Engineer, was again recognized and said, as you probably all know and you've noticed driving down Lowell Road, there's an 81 apartment complex being built right now. That was approved by the Planning Board in 2019. Currently the front of that property which is about 12 acres, there's still about 66 acres in the back, the intent when that got approved was the owner of the parcel in the back was going to work with Dakota Partners to do a water line extension to connect Lowell Road to the Friary. That hasn't happened yet so Dakota Partners is moving forward with their water line extension which basically covers their portion of that. It's about 625 linear feet of 8" line and is going to provide domestic and fire protection. That includes a fire hydrant as well. The intent is to build it and eventually hand it over to the Town when the build the road as well, connecting Lowell Road to Friars and the Board of Selectmen will be taking ownership of that and becoming a Town asset when it's all done to spec. with that done I'll recommend this water line extension to the Board of Selectmen. Seeing no questions Selectman Martin made a motion, seconded by Selectman Coutu to approve and sign the proposed eight inch water line extension agreement for Friars Drive. A roll call vote was taken. Carried 5-0.

J. Sewer Allocation Special Request - Green Meadow Golf Club

Chairman Morin again recognized Elvis Dhima, Town Engineer. Mr. Dhima began by saying, thank you Mr. Chairman. As you are all aware there is currently a project going on at Green Meadow Golf Course undertaken by Hillwood. It's related to the Amazon project. The applicant has made a request to ask the Board of Selectmen for sewer allocation for this project because currently they are outside of the sewer district. There's two memos in front of you tonight in addition to mine, one of them is from Mr. Smollack representing the Hillwood and the other one is from the owner of the golf course.

The memo related to the golf course and the history related to the Planning Board was related to funding put into the sewer to increase it because intent back then was to connect this property to the sewer. They're not saying they're entitled to it. They're just simply proving some information from 1990. Somewhere between then and now a sewer district was implemented and most of that property is outside the sewer district but there's a small portion of this property that is currently within the sewer district. That portion also has a sewer main. So basically there's a sewer main running through this property at this time. With that said, Mr. Smollack, representing Hillwood, made a list of the reasons why the Board of Selectmen should consider this request and they're amount is 36,900 per day. The way we came up with that number was maximum number of employees for peak season, multiply by 20 gallons per day which is basically criteria for a factory with cafeterias and showers. With that said I will take any questions you might have.

Selectman Coutu was recognized and said, thank you Mr. Chairman. Mr. Dhima, 36,900 gallons, is that or A, B and C? Mr. Dhima relied, correct Selectman Coutu. That's for all three buildings. Selectman Coutu then said, based on the allocation assessment, because we don't know exactly what they're gonna use, we have companies that have bought lots of gallons and as you're doing the audit you're finding they only need 14, we reimburse them the money and cut it down to 14 and we've kept our allocation at about 200,000 since you started that project so again, I applaud you for that. How did you come to an estimate on building C? Mr. Dhima replied, as I said earlier, the way we calculate on the sewer allocation is based on the usage, this particular one is considered, because there's no, on the state requirements, DES, it's nothing for Amazon, it's just factories with showers and showers and cafeterias. So what we did was we looked at the traffic reports we have and the traffic report indicates in a peak season for all three buildings it's 1,845 employees. We multiply that by 20 gallons per day, per employee, and that's how we came up with 36,900. Selectman Coutu asked, what was the number you came with at peak season? Mr. Dhima replied 1,845 employees for peak season so that is typically 60% more than what would be average for traffic or for employees. We took that number from their traffic data basically. Selectman Coutu then asked, relative to the method of allocation for remaining sewer capacity, in the policy it says and I'm going go read it in its entirety: except as provided in this subsection, the Board of Selectmen will not approve new sewer allocations from the remaining sewer capacity for any use located outside of the system boundary as described in exhibit A. Provided however the Selectmen may in their role and their sole discretion, grant a request to deliver sewer outside the existing system boundary described in exhibit A for public facility uses such as schools and other governmental uses, for community facilities such as hospitals and public utilities or for other residential, commercial or industrial uses, that in the opinion of the Board of Selectmen, are essential for the public health and safety for the Town of Hudson. Selectman Coutu went on to say, I'm sure you've had a lot of discussion, Mr. Dhima about this usage. Can you tell me, based on the conversations that you've had with Brian, Hillwood, the communicates that have come in from the citizens of that area, can you tell me how this request meets that standard. And what is it that some people just don't get? Including me. Mr. Dhima replied, if you look at the memo prepared by Mr. Smollack was also standby for occasion like this, a significant number of items why they believe it should be granted as a request. If it's the Boards wish we can ask Mr. Smollack to come forward and make that case. Mr. Smollack, attorney representing the Hillwood Corporation came forward. Before he spoke Selectman Coutu said, if I might, Mr. Chairman, I just don't want people interpreting again, my interrogatories, I just want to have a clarification and a legal understanding of how this rule that governs the distribution of sewer allocation fits and if you were granted it, what is it that's going to prevent any body from objecting to it. Not objecting to it but winning the case in court. Mr. Smollack introduced himself and explained that he's representing Hillwood Enterprises. Thank you for giving me the opportunity to comment on this. As you know the Board has the ability to interpret how it defines how it meets the criteria under the ordinance for the services. And as you know in the letter that was provided to the Boar we identified approximately five different by which we consider that we meet the criteria. And as you know also, as Mr. Dhima had indicated, this site is also partially within the sewer district as well as MR. Dhima indicated from the early 1990's. One item of concern that in terms of public health, safety and welfare there's been an indication that why can't we develop a sewer system that discharges to the ground. It is technically feasible but there is a significant opportunity for a catastrophic event in terms of sewerage discharge if you discharge to the ground as opposed to discharging to the sewer. We have a fair amount of wetlands on the area. We have the Merrimack River close by if there's a

failure of that underground system it could have the ability to discharge to the Merrimack, to the wetlands and the like and that's the reason why we have sewer system. So that is what I feel would be one criteria in how this could be met. In terms of delivery, as you know with COVID these types of facilities have taken on increasing prominence in delivery of essential goods so for example it's not just a TV or furniture it could be a generator, someone's generator goes out they depend on that generator for power, that's an essential item that could be delivered in a days' notice or a couple days' notice so that pipes don't freeze and things to that nature. So there are goods here that are delivered that are essential to public health, safety and welfare. In addition as I indicated this proposed project as you heard at the Planning Board level, in terms of the fiscal impact analysis, could generate between \$4-5 million in revenue to the Town but for the ability to build that structure as planned and to have that structure you would not have the ability to generate that revenue.

Chairman Morin then asked, just in a theory, if this project was built on Library Street today, with the systems that we have in place, what would we be going through right now for the allocations? Would they be falling under all the stipulations that we've heard about tonight because of essential and things to that nature or would it just be an approval for the allocation? Mr. Dhima replied if it's within the sewer district there would be just simply be applying for what they're entitled to within the sewer district so one of the numbers that Mr. Smollack states in his case is that in this particular area, this property was within the sewer district, they would be entitled to up to 190,000 per day. And the simply would just have to buy that as long as it was available. But they wouldn't be asking you they'd just simply be paying for it. So the way we've set it up is you know we set up the sewer district so if you are within the sewer district and you have a business or commercial, industrial and you want additional sewer allocation that's what you'd be taking away from. From this additional 200,000 that's available. In addition to that the Town has set aside 365,000 available for all the property within the sewer district that has not been developed yet. That's set aside. We don't talk about that because its only for new developments coming in or property that is have not been touched yet or for anyone who already has a project or property and simply needs to redeveloped it the most recent was Flagstone. They wanted more sewer allocation, that's where we got the additional sewer allocation from this balance. Chairman Morin then said, I think you just answered my second question. If it was built on Library Street on existing sewer, so where a piece of this property has sewer going on it are they within the district? Mr. Dhima replied, yes. A small portion of this property is within the sewer district and they're entitled to that. Chairman Morin then said, so as long as that pipe extends six inches onto that property they're in the district because it's on that property. Mr. Dhima replied, they actually have property within the sewer district and a pipe within it yes. Chairman Morin asked, so it's considered the district. It's within the sewer district. Mr. Dhima replies, a small portion of it, yes. Chairman Morin said, but you say a small portion. You have to take the property as a whole as long as it's on that whole property. Mr. Dhima replied no, and that's what makes this completely different from anything else. We haven't, I haven't seen this in six years. Typically we have the sewer district cut exactly where the property line is. Cut exactly where the right of way is. Typically we don't put the sewer district and take a small portion of a property. The only reason it was done that way, it was prior to my time, is because there's a sewer easement from the Town to basically have their sewer go through this property and that's why that small portion was within the sewer district. That's all. Chairman Morin said, okay, I'm a little confused now. If it's on the property, it's in the district? Mr. Dhima replied, a certain portion. Chairman Morin said, I know, I understand that so what you are saying. Is that property broken up where half of it is? Mr. Dhima replied, yes, yes, look at it as zoning. A piece of property could be different zones within that property depending how it cuts depending on what corridor it is. Look at that exactly like a zoning line that's how it works. This is unique, this particular property because again we don't cut a small portion of a property and put it on the sewer district and leave the rest out. We don't do that because of exactly what you said, Mr. Chairman. We don't want to get into it. This particular case is completely different because the sewer was built prior to the sewer district had been implemented in Town. So they kind of drew the line after the fact. That's kind of why the first memo talks about and Mr. Smollack's memo talks about. So most of the property is not within it. Some of the property is in it and there's definitely Town sewer running through this property a portion of it. Chairman Morin then said, okay so once, if this project gets approval, do they have to make this one lot? Which would take care of that problem? Mr. Dhima replied, I'm sorry, I didn't get that. Chairman Morin said, take for instance and correct me if I'm wrong because I'm not sure where this is going, you have people that take multiple lots and join them into

one lot. We've done that many times. Is this project going to require, where you said that line was for zoning, that they're going to have to make that one lot at some point so it's all zoned the same? Mr. Dhima replied, put in the zoning to explain but zoning has nothing to do. Basically Mr. Chairman to answer your question, the sewer allocation will be for the entire site 375-378 acres for the entire lot. Chairman Morin then said okay...Mr. Dhima interjected saying no matter which way you cut it goes for the entire site. Chairman Morin said I hate to ask it again but I'm still, there's sewer there now? Mr. Dhima replied yes within the property. Chairman Morin asked, is it considered the whole piece of property, the whole thing, with sewer? It kind of makes the decision easy one way or the other, you know what I'm saying? Mr. Dhima replied, technically no, they're not, not the entire property is within the sewer district that's why they're in front of you tonight. If the entire property was within the sewer district we wouldn't do this. They would just simply go to the Planning Board and as long as there was sewer allocations in the balance they would just purchase them. Most of the property is outside of the sewer district that's why they're in front of you tonight making this request.

Selectman Martin was recognized and said, I guess it just confused me even further. But my original question is do we have any documentation, any copy of this easement and any agreement to give this allocation to the property. The reason why I ask is grant an easement to the Town to enable the sewer system to accommodate for future development of the Green Meadow Golf Club. Now that was in the 1990's. Okay. So is there any promise from the Town in any agreement to say that the Town will do this. Mr. Dhima replied, I have no documentation of that. We do have the easement. There's language about the easement and the easement clearly shows in our Town plans in GIS absolutely. Those easements are typically for getting access to the property. So we don't own that property. We have an easement we have a right to get within that sewer line within their property. But as far as what the discussion were or agreement, there's none of that. Just simply history and that's why that was brought up in one of the memos. Selectman Martin had further question and asked why does this property not now, and I'm going where Chairman Morin was going okay, if we already have sewer on the property. Mr. Dhima said, it's a good question, why wasn't the whole thing included. I don't know. The line was drew before my time. Typically you wouldn't do half the property with the sewer or water and the other one, it doesn't make any sense. I'm with you 100%. That's why I said earlier. I haven't seen anything like this since I've been here. Typically either the property is in or out, there's no in between. This particular one, I think the way they drew the line for this particular case is because a portion of this property has that sewer. So they felt that if they drew the line differently then the Town sewer would not be part of the sewer district which is bizarre. I don't know the exact answer. My take on it is they drew it following the easement and that was the end of it. I don't have the exact answer why they did it the way they did it because it was before my time.

Mr. Smollack requested to speak and said, Attorney Leonard did include a letter to the Board as well providing some history with this project and that's all we can go on because we're the buyers of the property. In that letter there was discussion with respect to that sewer easement. Again, before the sewer district was created. As I understand it, and that basically the sewer line was upgraded to an 18" line specifically to accommodate future development. Although there may not be something in writing to that effect, I can't respond to that, but I can certainly tell you that the upgrades were made and the sewer line was upgraded based on Attorney Leonard's comments. Specifically to accommodate future development and what may have happened between then and now is unclear from the record. Selectman Martin was recognized and asked does the existing clubhouse on the property have septic or sewer. Mr. Dhima replied, septic. They're not connected to sewer. They're on a septic. Chairman Morin asked when the sewer line was upgraded did the Town pay for that or was that part of a deal down there? Mr. Dhima replied obviously again, this was in 1990, so I'm not aware, but it was my understanding reading the memos and we've done this in the past when the Town agrees to a certain amount for a pipe size and then someone else comes in and makes it bigger. I think that was the intent for some money taken for most recent case was the south tank where the Town agreed to a certain size and someone comes and says I might do something down the road. Here's the money to make it bigger so it can accommodate my growth. So it appears from the letter that they're submitting it appears that the Town needed a 12" line and they took money or money was donated, whatever the case may be, to update it to an 18". Also updates to the pump station which is Sagamore Park Drive also was updated to make sure they could handle additional sewer flow. Chairman Morin then said, the way I see it is somebody did some forethought and

figured that someday that something was going to go there. And we've seen over the last 15 years, multiple projects go in there. I understand that and on top of that, knowing how this Town is been in the past in doing things to forethought, I would understand why they would do it and that's what they were thinking.

Selectman McGrath was recognized and said I have a couple of comments. I think that the owners of the Green Meadow property had the opportunity to have this included in the sewer district. And they failed to do that. Because of their short sidedness, now they're coming back with a new development and they think that we should accept the premise that they deserve to have sewer allocations that exceed what would typically be granted and I'm not in favor of it. I'm ready to make a motion to deny the request. I've heard enough, I've read enough and I think that this is just something, it exceeds what we should be granting for sewer allocation for any one particular business. I guess I'll reserve further comment for perhaps later. Selectman Roy asked, did she make a motion? Selectman McGrath replied, I will make a motion to deny the request. Chairman Morin said I have a question for your first. You've been on the Board a long time in all different places. What's your recollection of what happened when tat sewer easement was put in? Because if it's on the property it was on there for a reason. Selectman McGrath replied, I don't have a recollection about that because my role in all of the years I've been involved has been planning and zoning. I didn't pay attention to sewer allocations or water. Because that was outside of my so called area of expertise. Not that I have a whole lot of any of that. So we had a Sewer Committee. We had the Water Committee. They dealt with things like that and they made recommendations and it was for people that were on the sewer or wanted sewer in there neighborhoods and same for the water. So, I can't answer that question, but I can tell you that if it were important enough for a large piece of property they would have sought to get the allocations necessary. They would have had it included in the district for which they were intending maybe future development. Maybe they thought they'd never develop this property, I don't know that. But I know that we've had several projects over the last few years, last ten or so years, and the reason why those projects didn't get approved or they didn't go to completion was because the developer backed out and it was because roadway and traffic implications and what they'd have to pay to take care of that. I can't answer you about back in the day when people were talking about sewer and water but they were the people that actually on the sewer or wanted sewer in their neighborhoods and the same for water. So I would recommend that a good research of the historical documents that are in the Town, you can go back and look at meeting minutes. You can determine whether or not they Friel family ever talked bout getting being put in the sewer district. I would estimate and I would think that I would be right in this is that they didn't see it as something that they ever wanted to have because if they did they would have sought to have it included in the district. So for their lack of forethought, for their lack of perceiving what they might want to do at some point in the future with the property, now the Town is being asked to really step up and grant a sewer allotment that far exceeds any other allotment that we've requested from any other development in Town and I'm just not in favor of it.

Chairman Morin then asked Mr. Dhima, during your research for this project did any other projects get to the point where they would even talk about sewer allocations? Because that would be one reason. Again, we got a pipe there for a reason. And unfortunately the documentation doesn't show that but the three other projects were large projects that would have probably used more sewer than we're talking now so did they get to the point where it had to or did it stop before it even got that far? Mr. Dhima replied, I'm not sure what projects they're relating to. Chairman Morin said the casino and the mall and stuff, did it even get that far? Mr. Dhima said, it did not get to that point. Mr. Malizia said the casino was never formally submitted as a plan. The WS Development plan, which was a multi-use came into the Town but they withdrew the project. I'm not sure how far along they were. They were certainly, they had a plan, but they pulled it out in 2007 or 2008. Chairman Morin said, okay that's why I was asking a question. It never got to the point. So that would explain why there was never any request for it. Okay, I wanted that made clear. Mr. Smollack spoke up saying, Mr. Chairman, there's nothing in the record about future allocations for this property other than the fact that Green Meadow did grant the Town and easement to allow for access for sewer, an upgraded sewer, across a portion of its property. Also the site plans from the prior decision for Sam's Club also contemplated access to the rear portion of the property and also on the southerly side of the property simply because of the Town did not, the Planning Board had the foresight at the time to identify the

fact that there's a need to not land lock this property. And so because whatever the reason the Friel's did not pursue it, it's not clear to me. Maybe they thought they already had the allocation but it's not clear. That's just speculation. I can't speak for the Friel's for Attorney Leonard with respect to that. But this is a situation where sewer is essentially needed and if you look at the prior project not his site, the Riverview project, which was substantially larger than what we're proposing here both from a traffic and impact perspective, they would have been before this Board as well looking for the same thing. Chairman Morin said, so related to Green Meadow for the amount of people in Green Meadow, there was no need for them to run a sewer pipe across the golf course due to the clientele and so they would have never come forward for sewer at this point. But there was a pipe put to a certain area, with an easement, for future. Mr. Dhima replied, for the clubhouse financially it would not make sense to run half a mile sewer for a clubhouse that's seasonal most of the time. The septic system for something like that would be more than adequate. There's a significant increase when you look at the pipe size for a sewer main from a 12" to 18". I just wanted to add that. So there was history of the original being 12" got updated to 18". Obviously that constituted a significant planning for the future.

Selectman McGrath was recognized and said, did my motion fail for lack of a second? Or was it not acted on. Chairman Morin said, no to tell you the truth we wanted to finish discussion first. So your motion is still there at this point. We just have not looked at it. That's all. Chairman Morin asked, anybody else have any discussion? Seeing none, he said if you'd like to state your motion again. Selectman McGrath made a motion, seconded by Selectman Roy to deny the request. A roll call vote was taken. Motion carried 3-2 with Selectman Coutu and Chairman Morin in opposition.

Mr. Smollack asked for a request for a reconsideration of that to look at some of the history in terms of any potential agreements that were in existence in the past. I think it would be ashamed to make this a referendum on the project when we're simply looking for a method of sewer allocation that is a superior alternative for environmental perspective to anything that would be placed on this property. I'd request a reconsideration of that vote and even if the Board would entertain a further motion to revote this. Selectman McGrath spoke up saying I'd like to make a motion to deny the request for reconsideration. Selectman Roy seconded that. Selectman Coutu was recognized and said, there's a point of order is due here Mr. Chairman. The representative from Hillwood didn't make any motions. He's not entitled to make any motions. We're denying a motion that was never made. Reconsideration at this point, Mr. Chairman, on a point of order. Parliamentary procedure, you and I, because we were, I mean, the majority vote was not. Any one of them would have to make a motion to reconsider. You and I cannot make the motion. So to take a vote now on reconsideration is mute. It's out of order. There's no motion on the floor to reconsider. The Town Administrator was recognized and said, I believe you have to wait til the next meeting before you can take such a vote. And it has to be somebody from the prevailing side would have to raise that for reconsideration. Chairman Morin said okay the motion is gone. There will be no motion at this time. Selectman Martin was recognized and said, just to clarify, if there was available information to persuade me to make that motion, then I would make that motion at the next meeting. If the information came to me and I said, oh wait a minute, we made some kind of an agreement. Chairman Morin said, no and I understand what you're saying but you know the records of this Town in the past. You know what I'm saying. So it's kind of unfair because we didn't do our job on our side with the information that we should have had to give us a clear answer to make a good decision for one and that's been a problem numerous times in the past for us. Anybody wants to bring up next meeting a reconsideration or if they come up with some new information that the Town Engineer forwards to us we can make that decision and somebody can go for reconsideration next meeting and we'll take it from there this point. We're not going to get anything else tonight and we're not going to beat on this all night. Again, like I said. Our Town records are terrible. Terrible and it's unfortunate because we affect these people and these people cuz we can't give them all the information.

K. HFD - Assistance to Firefighter's Grant

Chairman Morin recognized Fire Chief, Rob Buxton. Chief Buxton explained I'm before you tonight to request authorization to apply for the Assistance to Firefighters Grant with the purpose to obtain funding for the replacement of portable radios and associated equipment. Selectman Martin made a motion, seconded by Selectman McGrath to authorize the Fire Chief to apply for the Assistance to Firefighters Grant for the purpose of obtaining funding for the replacement of our portable radios and associated equipment. A roll call vote was taken. Carried 5-0.

L. HFD - Letter of Resignation

Chief Buxton was again recognized and presented a letter of resignation from Firefighter/AEMT Justin Tracy. Selectman Martin made a motion, seconded by Selectman Roy to accept the letter of resignation from Firefighter/AEMT Justin Tracy effective December 31, 2020, with the Board's thanks and appreciation. A roll call vote was taken. Carried 5-0.

M. HFD - Notice of Retirement

Chief Buxton as again recognized and he presented a notice of retirement from Lieutenant/AEMT Allan Dube on the 12th of December. He retired effective December 31st this year. He served 19 years with the Town of Hudson and he had previous experience with the Town of Newport. Selectman Martin made a motion, seconded by Selectman Roy to accept the notice of retirement from Lieutenant/AEMT Allan Dube effective December 31, 2020. A roll call vote was taken. Carried 5-0.

N. Petitioned Warrant Articles

Chairman Morin recognized Town Administrator, Steve Malizia. Mr. Malizia said, as you're well aware, I put an item on the agenda for petitioned warrant articles which were due by today, the 12th of January by 5:00pm. We received three petitioned articles yesterday, which I believe you all received a copy of and I believe you also have a copy of. For the public satisfaction I'll read them one at a time and what you are required to do is forward them to the warrant as either recommended or not recommended. So if I may, I'll read the first one and you can take a vote, then the second and the third. By the way, all the petitions were qualified. They were reviewed, they have the requisite number of registered voters and I also had the opportunity to submit them to our Town Attorney who finds they are valid. When I say valid, there is legal ability to enact them.

So the first one if I may is:

Are you in favor of electing the Hudson, NH planning board consisting of 7 members which includes one ex officio member with the remaining board members to be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each member of the board is an elected member pursuant to the provisions of RSA 673:2, II, (b) (2)? That is the question. Selectman Martin was recognized and said, just want to let you know when I'm in the ballot box to vote on this, first of all I don't support it. But, the wording, we can't change the wording. Consisting of seven members. You're not...it does consist of seven members but the seventh member is the ex-officio member from the Board of Selectmen. So you wouldn't be, as a voter, voting for that seat. That seat is already appointed by the Board of Selectmen. And voted as a selectman. So I think in my opinion, I'm not no attorney, I don't play one

on TV either, this is not a valid warrant article in my opinion to go in front of the voters. But we have to by law. I will not be voting for it when I get in the ballot box. Thank you.

Mr. Malizia was recognized and said, as I understand it based on reading the law, in a Town such as Hudson you have the choice of five or seven member planning board of which one is the ex-officio member, so the Board would either appoint four or six members or in the case of the voters they'd vote for four or six. The ex-officio member is appointed by the Board. All the other members are elected. It's either five or seven. That's your choice. They've articulated this would be a seven member Board but one seat would be an ex-officio seat. The other six would be elected by the body. Selectman Martin had further comment saying, we understand that but does the voter's understand that. That's the confusing part. Mr. Malizia replied, I respect that. I didn't write it. This is what goes forward. Selectman Martin said, I understand. I'm just letting you know I won't vote for it.

Mr. Malizia said when you talk about petition you make a motion to recommend or a motion to not recommend. Chairman Morin said, I'm just waiting if there's any comment. Selectman McGrath was recognized and said, so as probably most if not all of you know, I've been around for a long time. I started out on the Planning Board, I'm finishing up on the Planning Board. I think that this is an ill-conceived idea. I can understand why people would think it's a good idea but voting for Planning Board members, Zoning Board members it becomes a popularity contest. It doesn't become a vetting process where you can understand what their background is, if they have any kind of preconceived notions on what they'll be doing on the Planning Board. Those are important Boards. Extremely important boards. If you had been around when I first got on the Boards, there was so much, people that were on the Boards they were not looking out for the best interest of the Town. They were looking out for their own personal interests and that became abundantly clear to the citizens of this Town and they never wanted to say, I can say with certainty that they didn't want to elect Planning Board or Zoning Board members. People on the land use boards because it's open to bad behavior by some of the members. Back in the day it was most of the members. I will not support this for the Planning Board, the Zoning Board or even the Conservation Commission. I can't support it and I will not be voting for it. Selectman Roy spoke up saying, I actually do support this petition warrant article for a couple of reasons. One, I'm always in favor of having Towns people have a say how they're governed. And two, to Selectman McGrath's point, I think that someone who's elected becomes beholden to their electors. So if they are not looking out for the best interests than at the next election they don't vote for them. So that's my position, I will recommend. Selectman McGrath asked if there were any term limits associated with his article. Is there any kind of language that's been provided? I haven't seen it. Mr. Malizia said in looking at the law they'd be elected staggered so for example I believe seven Planning Board members currently when their term expires, those seats would be on the next ballot. So for a period of time you're going to have a mixed Board. You're going to have some elected and some appointed until you cycle through all the appointed folks being elected. You cannot put more than three people on an election and I believe they're three year terms. Selectman Martin made a motion, seconded by Selectman McGrath to forward petition warrant article 1 to the 2021 Town Warrant as not recommended by the Board of Selectmen. A roll call vote was taken. Carried 4-1 with Selectman Roy in opposition.

Mr. Malizia explained petition warrant article number two was also received, verified the signatures were appropriate and petition warrant article two states:
Shall the Town of Hudson designate parcel ID 224-004-000, consisting of 51.95 acres, as "Town Forest" as described in RSA 31:110 and 31:111, and convey management and control of said parcels to the Town's Conservation Commission pursuant to RSA 31:112, in order to permanently protect the parcels from development while retaining the ability to use them for forest management, passive recreation, enhancement and maintenance of scenic value, wildlife habitat and open space?
Mr. Malizia then said, if I could just add a little bit of information. The Town apparently acquired the property by tax deed approximately 1990. In 1991 Town Council passed a resolution to put this under conservation management. So in theory it's already been under the Conservation Commission. This article would make it a Town forest which has a higher standard. In other words it needs to be forestry plans, timber management and whatnot. This was the old Guertin property I think it was

referred to at 20 Musquash Road. It's under the Conservation Commission prevue right now. Apparently the petitioner wants to make it a Town Forest.

Selectman Martin was recognized and said so it's under the Town Conservation prevue right now. I don't understand why you'd want to make it a Town forest. Not a negative comment, but we're not finding a lot of volunteers to maintain these woods and stuff like that. If you get a bucket list of volunteers, boy bring them out, we'll take them but I don't see that you're going to get a lot of people to go out and hope you maintain that. Mr. Malizia said, this goes beyond volunteer's because it requires a forestry management plan which usually requires a professional forester. Which usually entails spending money. And you actually have to have a plan and maybe the people who carry out the plan are volunteers but it does require financial commitments. Chairman Morin added, I'll tell you as the liaison to the Conservation Committee, they don't have the manpower or the time to take care of this forest. Rangers Drive is a forest. We haven't seen anything on that yet. Every single meeting when they're discussing that they want to go out and do workshop days, it's the same three people. Everyone has lives, there's older people on that committee they can't handle this. It's a lot of work. Where it's a forest you have to take care of it. When its conservation land if there's no trails or anything you don't have to do anything with it. They have trails now that they maintain. I don't know how often they get out there. They're doing a cleanup day on the 16th but are doing it from 9-12. And they're doing that in Musquash. Rangers had a lot of volunteers that day and it was the neighborhood. But that doesn't last. I think we should leave this as conservation land knowing what the committee is dealing with. Selectman Roy was recognized and said I'll revert back to my people should be able to decide how their Town land is. I'll support it being on there. Selectman Martin made a motion, seconded by Selectman Coutu, to forward petition warrant article number two to the 2021 Town Warrant as not recommended by the Board of Selectmen. A roll call vote was taken. Carried 4-1 with Selectman Roy in opposition.

The Town Administrator said the third warrant article we received states:

By petition of 25 or more eligible voters of the Town of Hudson to see if the Town will vote to urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the State following the federal census, will ensure fair and effective representation of New Hampshire voters without gerrymandering. Additionally, these voters ask the Town of Hudson to urge the NH General Court to carry out the redistricting in a fair and transparent way through public meetings, not to favor a particular political party, to include communities of interest, and to minimize multi-seat districts. The record of the vote approving this article shall be transmitted by written notice from the Selectmen to Hudson's state legislators, informing them of the demands from their constituents within 30 days of the vote.

According to Attorney Lefevre this appears to be advisory but if it were to pass we would be required to send notice to the legislatures. Selectman Roy was recognized and said I think that for years, not just in New Hampshire, but all over the country, there's been gerrymandering that has disenfranchised a lot of voters. I think that goes against the grain of what this country is founded on so I will support this warrant article. Selectman Coutu said I can't agree more with Selectman Roy. Gerrymandering has been ewe in cry across this country. It's time we take a step forward and eliminate it as best we can. So I will be supporting it as well. Selectman Martin was recognized and said, can somebody tell me what gerrymandering is? Is that somebody walking around the house? The Town Administrator explained, gerrymandering comes from the colonial days when there was a governor of Massachusetts named Eldrige Gerry who for political reasons redrew the districts so that his party and he would stay in power. Since then it's been known as gerrymandering. Something we try to not have in our politics. Selectman Martin made a motion seconded by Selectman Coutu to forward petition warrant article number three to the Town Warrant as recommended. A roll call vote was taken. Carried. 5-0.

O. FY22 Town Warrant

Town Administrator Steve, Malizia was recognized and he said, before you is the Fiscal Year 2022 Town Warrant as prepared. The Board usually reviews and approves the order of the warrant. Seeing no questions, Selectman Coutu made a motion, seconded by Selectman Roy to approve the order of the Fiscal Year 2022 Town Warrant. A roll call vote was taken. Carried 5-0.

P. Designation of Selectman to Post Town Warrant

The Town Administrator was again recognized and explained that one of the Selectmen is required by law to post the warrant each year. He explained that he and whichever Selectman is chosen go to the Library, Community Center and Post Office to post the warrant. Selectman Coutu was recognized and volunteered. Selectman Martin made a motion, seconded by Selectman Roy to designate Selectman Coutu to post the Fiscal Year 2022 Town Warrant and Budget on or before Monday, January 25, 2021. A roll call vote was taken. Carried 5-0.

Q. Annual Report Dedication

Mr. Malizia was recognized and said we're in the process of preparing the annual report. One of the parts of that reports we typically dedicate it to citizens or folks that we've lost in the year. When I look back through the year, if you recall, the beginning of last year we lost Katie Thyne and Ryan Phaneuff. They were both young people that came from our community and died in the service of their community or country so I thought I would at least propose that we dedicate the annual report to them. Selectman Martin made a motion, seconded by Selectman Roy to dedicate the 2020 annual report to Katie Thyne and Ryan Phaneuff. A roll call vote was taken, carried 5-0.

R. December Revenues and Expenditures

The Town Administrator explained, we are halfway through the fiscal year. Things are looking pretty good. We actually received the funding for the upgrades we made to the Town Clerks office. And in the Fire Department. Those improvements we made for COVID, that's reflected in there. Those monies have been credited to the budgets. I don't see any real issues at this point with anybody's budget. It looks like motor vehicles are still doing well. We're at 52.3%. Interests is still low. We did recognize some this past moth but other than that considering we're halfway through he year I think we've done a pretty decent job of staying where we need to be. Selectman Coutu asked why the interest was so low. Mr. Malizia replied I think we have a new treasurer and I'm not sure she's putting the money in all the appropriate places. She's still training and I'm not sure she's recognizing it every moth. What I'm saying is you have to book keep it every month and I'm not sure she's caught up with it every month.

S. School Warrant Articles

Chairman Morin recognized School Board Representative Diana Lamothe. Ms. Lamothe said I just wanted to share the information with you in advance of the meeting, if you have any questions, I'd be happy to answer them. Do you want me to walk through each one or? We have five warrant articles. Warrant article one involves renovation of Alvrine high School. It is a bond warrant article so it will require the 60% vote to pass. We've scaled back the project from last year, keeping in mind especially at this time with the pandemic, there are economic concerns. But our concern for safety has not changed. So we scaled the project back. It's a \$9.9 million. We're looking at a ten year bond.

We have warrant article two which is our operating budget.

Warrant article three we had a collective bargaining agreement with the Hudson Federation of Teachers.

Warrant article four is the roof replacement at Hudson Memorial School. It's the final phase for that roof. Then warrant article number five was the roof replacement at Hills Garrison School and that is a full and complete repair. It's definitely a much needed repair.

Chairman Morin asked if there were any questions. Selectman Martin was recognized and said on warrant article number three what are the, I see you have the two year contract with the collective bargaining agreement and I know that you talked about adjusting this and adjusting that is there a percentage that comes out of that number for cost of living adjustment besides having all those numbers adjusted. Ms. Lamothe replied, there's a step process. It's different. It's based on years of service. I don't think I can answer that question accurately. I can certainly find out for you. I believe it's more of a longevity. Selectman Coutu said, I was always under the impression that pay raises for a group of people regardless of what step they're in is a percentage. It should be treated as a cola because they have the step increase on top of that. Ms. Lamothe replied, I'll have to get a better answer for you, I'm sorry. I was not involved in the negotiations or this so I don't have the detail on that. Selectman Coutu said, well they didn't tell you when they brought it in for a vote, how they did it? I mean they're asking for, I'm not against it, don't get me wrong but it's an awful lot of money. In the next two years they're going to add \$1.5 million dollars to the budget for this raise. They're saying the first year is estimated \$0.18 per thousand. The following year they don't put what it is for the following year but its \$106,000 more. So another four cents. So it would be eighteen cents the first year and \$0.22 per thousand on the second year. I agree that, and I'm not saying this for arguments purpose. I am a strong advocate in doing what we can to keep the best that we can in Hudson. The teachers have suffered for many, many years. It is going to cost some money up front. I'm willing to support this which I will do and I'll do it with my vote as well.

Selectman Coutu went on to say, what I'm concerned about is warrant article one. Warrant article one is again going to the voters to make more improvements to Alvine High School, that was not supported unanimously first time in the years they've been asking for additional monies to continue to rebuilding this school, it was only supported by three of the five members. Two voted no, I heard their explanations and I support their no vote. Selectman Coutu went on saying the highlight on this proposal \$9.9 million is for safety. I've been hearing that word safety more than I've been hearing the word Alvrine. Selectman Coutu and Selectman McGrath expressed their displeasure in this request and neither were in support of this article.

In closing Ms. Lamothe explained the School would be in support of sending a sample ballot out again this year, in collaboration with the Town, as was done in 2020. If the Town is interested they should reach out to Terri Wolfe the Districts Community Engagement Coordinator.

9. REMARKS BY THE TOWN ADMINISTRATOR - There's a Budget Committee public hearing Thursday night at this location. The Town will be first at 7:00pm. Once the Budget Committee is done with the public hearing and voting on the warrant articles, there will be a recess period and then they'll take up the School budget which will also be a public hearing.

10. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman McGrath - I have nothing this evening.

Selectman Roy - I think I'd sort of be remiss if I didn't talk about what happened this past Wednesday in our nation's capital. It hurt my heart to see our democracy take such a hit. I understand we have to

and will move forward I hope that those people who insinuated it should happen are held accountable. We will prevail and I hope everybody is cognizant of the kind of damage things like that do.

Selectman Coutu - I'm all set thank you.

Selectman Martin - thank you Mr. Chairman. Thankyou Steve for announcing our meeting on Thursday because that's what I was going to do. I invite everybody to come. It's a public hearing. I'd like to hear your input on the budgets. Other than that I need to say one last thing, the vice chairman or the school boards son, all I'm gonna say, was accepted to Georgetown University. And he was number one in his class in 2020. So rankings mean nothing to me.

Chairman Morin - I got nothing tonight. It's been enough.

11. NONPUBLIC SESSION

The Town Administrator said, the Chairman will entertain a motion to go into non-public under RSA 91-A: 3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) the hiring of any person as a public employee(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Motion by Selectman Roy at 10:22 p.m., seconded by Selectman Martin, to go into non-public session. A roll call vote was taken. Carried 5-0.

Chairman Morin entered Nonpublic Session at 10:22 p.m. thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Morin entered open session at 10:59 p.m.

- 1) Selectman Roy made a motion, seconded by Selectman Martin to hire Thomas Cahill as a truck driver/laborer, with a starting pay of \$20.12 per hour (grade VII, Step One, in accordance with the Hudson Public Works Department Local #1801 AFSCME Agreement, effective January 17, 2021. A roll call vote was taken. Carried 5-0.
- 2) Selectman Roy made a motion, seconded by Selectman Martin to provide two IT Specialists and One IT Technician 80 hours each additional earned time which cannot be bought back and is to be used within the next two years. A roll call vote was taken. Carried 5-0.
- 3) Selectman Martin made a motion, seconded by Selectman Coutu to promote Firefighter/Paramedic Benjamin Crane to the position of Lieutenant/Paramedic, a non-exempt position, in accordance with the International Association of Firefighters Local #3154, Step 1, with an hourly rate of \$29.80 effective Sunday, January 31, 2021 as recommended by the Fire Chief. A roll call vote was taken. Carried 5-0.
- 4) Selectman Martin made a motion, seconded by Selectman Coutu to move forward warrant article 19 to the warrant to discontinue Caldwell Road as an open highway and make subject to bars and gates as provided in RSA 231:45. A roll call vote was taken. Carried 5-0.
- 5) Selectman McGrath made a motion, seconded by Selectman Coutu to retain the services of former Town Clerk/Tax Collector Patti Barry for the period beginning January 18, 2021 through

March 31, 2021 at the rate of \$35.00 per hour without benefits. A roll call vote was taken. Carried 4-1 with Selectman Martin in opposition.

12. ADJOURNMENT

Motion to adjourn at 11:14 p.m. by Selectman Roy seconded by Selectman Coutu. A roll call vote was taken. Carried 5-0.

Recorded by HCTV and transcribed by Jill Laffin, Executive Assistant.

David S. Morin, Chairman

Kara Roy, Vice-Chairman

Marilyn E. McGrath, Selectman

Roger E. Coutu, Selectman

Normand G. Martin, Selectman